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In re Application of	:	OFFICE OF PETITIONS
Sohel Anwar	:	
Application No. 10/071,331	:	ON PETITION
Filed: February 8, 2002	:	
Attorney Docket No. 201-0644 (VGT 0270PA)	:	

This is a decision on the petition filed May 13, 2002, requesting that the above-identified application be accorded a filing date of February 8, 2002.

The petition is **granted**.

The application was deposited on February 8, 2002. However, on April 12, 2002, the Office of Initial Patent Examination Division mailed a "Notice to File Missing Parts of Nonprovisional Application," stating that the specification was omitted from the application on filing and did not include at least one claim.

In response, the present petition was filed. The petition argues that the specification and drawings were in fact received in the PTO on filing on February 8, 2002. In support of this assertion, petitioner has supplied a stamped postcard which acknowledges receipt in the PTO of the specification (18 pages) and drawings (3 sheets, Figures 1-5), on February 8, 2002.

MPEP 503 states that "A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, since the evidence supports the fact that the Utility Patent Application Transmittal; Fee Transmittal; Checks \$740.00, \$40.00; Combined Declaration and Power of Attorney; Recordation Form Cover Sheet; Assignment; Specification (18 pages), claims 1-18, abstract; Drawings (3 sheets, Figures 1-5); Disclosure Statement and IDS Form 1449A-7 references, were in fact present on filing, the Notice mailed April 12, 2002 is vacated.

Since the specification and drawings cannot be located in the Office, the copy of the specification and drawings supplied on May 13, 2002 will be used for processing and examination purposes.

This application is being forwarded to the Office of Initial Patent Examination Division for further processing with a filing date of February 8, 2002, and for an indication that the specification (18 pages), drawings (3 sheets Figures 1-5) and 18 claims were included on filing.

Telephone inquiries concerning this matter may be directed to Karen Creasy at (703) 305-8859.



Brian Hearn
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for Patent Examination Policy